

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

[R05-35]

PREAMBLE

1. Register citations and date for the original Notice of Proposed Rulemaking:

Notice of Rulemaking Docket Opening: 10 A.A.R. 2606, June 25, 2004

Notice of Proposed Rulemaking: 10 A.A.R. 2918, July 23, 2004

2. Sections Affected

R4-26-206

Rulemaking Action

Amend

3. The statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 32-2063

Implementing statutes: A.R.S. §§ 32-2073(G) and 32-2074(B)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Maxine McCarthy, Executive Director

Address: Arizona Board of Psychologist Examiners
1400 W. Washington, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-8162

Fax: (602) 542-8279

E-mail: info@psychboard.az.gov

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The Board initiated this rulemaking in response to its Five-Year Review of Rules. It was originally submitted with the Board's rulemaking Docket No. 2004-01 and withdrawn due to anticipated substantive changes. After further discussion, however, the Board decided to leave the rule as previously proposed in the Notice of Proposed Rulemaking.

6. An explanation of the substantial change that resulted in this supplemental notice:

The original proposed rule would have allowed a psychologist on inactive status to reactive his or her license by completing a pro-rated amount of continuing education based on the number of months that have elapsed since May 1 of the current two-year license renewal period. After further review by the Board, to make this rule more equitable, this was substantially changed to require that an inactive psychologist wanting to reactivate must complete a pro-rated amount of continuing education based on the number of months that have elapsed since the psychologist began inactive status.

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

An analysis of the inactive status licensee population shows that there are presently 323 inactive licensees who would be directly affected by this change. A large proportion of these, 76%, have been on inactive status for longer than two years and would have to obtain more than 60 hours of continuing education ("CE") in order to reactivate. As many as 13% of the inactive licensees have been on inactive status since 1993 (the first year inactive status became an option)

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and would have to obtain at least 360 hours at the present time to be eligible to reactivate their licenses under the rule as currently proposed. We estimate that the average CE program costs approximately \$25 per hour of CE credit. Licensees may complete up to one-third of their CE hours under Category II, however, which most licensees usually complete on their own time at no monetary cost. It is possible that if several inactive status licensees found this rule change too onerous, the Board could lose them as licensees (and their renewal fees) should they chose not to renew their licenses.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Marcus Harvey, Deputy Director
Address: Arizona Board of Psychologist Examiners
1400 W. Washington, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-8161
Fax: (602) 542-8279
E-mail: licensing@psychboard.az.gov

10. The time, place, and nature of the oral proceedings for the making, amendment, or repeal of the rule:

No proceeding has been scheduled but a person may request an oral proceeding on the proposed rule by submitting a written request to the Board office by 5 p.m. on Monday, March 14, 2005.

11. Any other matters prescribed by statute and applicable to the specific agency or to any specific rule or class of rules:

None

12. Any material incorporated by reference and its location in the text:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 26. BOARD OF PSYCHOLOGIST EXAMINERS

ARTICLE 2. LICENSURE

Section

R4-26-206. ~~Inactive Status~~ Reinstatement of License from Inactive to Active Status

ARTICLE 2. LICENSURE

R4-26-206. ~~Inactive Status~~ Reinstatement of License from Inactive to Active Status

~~To determine whether a psychologist has maintained and updated the professional knowledge and capability to resume active practice as a psychologist when considering reinstatement of a psychologist on inactive status to active status, pursuant to A.R.S. § 32-2073(G), the Board shall determine whether the psychologist has satisfied the continuing education requirements applicable to psychologists on active status. Psychologists who have, while on inactive status, fulfilled the continuing education requirements of a psychologist on active status shall be presumed to have maintained and updated their professional knowledge and capability to practice as a psychologist, unless the Board is presented with evidence to the contrary.~~

A. When considering reinstatement of a psychologist on inactive status to active status, the Board shall presume that the psychologist has maintained and updated the psychologist's professional knowledge and capability to practice as a psychologist if the psychologist presents to the Board documentation of completion of a prorated amount of continuing education calculated under subsection (B).

B. To calculate the minimum number of continuing education hours required for reinstatement to active status, the Board shall divide the 60 hours of continuing education required by 24 and multiply that amount by the number of months that have elapsed since the licensee began inactive status.